To Buchanan
Lake Michigan Dist
Lehrer

August 26, 1975

4410

Mr. James Lehrer
Lehrer Sanitary Service #73
1604 Crook Avenue
Kaukauna, Wisconsin 54[illegible]

RECEIVED DNR
AUG 27 1975
Lake Mich. Dist.

Dear Mr. Lehrer:

Enclosed is a special order issued by the Department of Natural Resources relating to operations of your solid waste management facilities.

This order is issued pursuant to Section 144.35, Wisconsin Statutes, and Chapter NR 151, Wisconsin Administrative Code. It is based on a field investigation and finding that your solid waste management operations are not in full compliance with State standards. This order is in confirmation of a meeting held July 31, 1975 with you at the offices of Theodore Harris Associates, in Appleton, Wisconsin, at which time a program for the complete re-investigation and re-engineering of your solid waste disposal facility was laid out to you in detail by members of the Department of Natural Resources staff.

If a public hearing on this order is desired, written notice must be given to the Department no later than 10 days after the date the notice and order are served.

Should the order become delinquent, your attention is directed to Section 144.536 and Section 144.57, Wisconsin Statutes, which provide for enforcement of the order by the Attorney General and forfeitures of from $10 to $5,000 per day for each day of violation, failure or refusal to obey the provisions of the order.

If you have any questions with regard to this matter, please contact Allan F. Schoen, Assistant District Director, Lake Michigan District Headquarters, 812 S. Fisk Street, Green Bay, Wisconsin 54303; telephone (414) 494-9601.

Sincerely,
Division of Enforcement

AUG 26 1975

Andrew C. Damon
Acting Administrator
RTG:mlu
Enc.
cc: Lake Michigan District
Theodore Harris Associates

00702

August 26, 1975

4410

Lehrer Sanitary Service

Order Number 2A-75-1045

Findings of Fact

THE DEPARTMENT FINDS:

1. That the above-named order recipient owns and operates a solid waste disposal facility, landfill, located in Sections 21 and 22, T21N, R18E, Town of Buchanan, Outagamie County, Wisconsin; DNR license number 73.

2. That the physical site suitability of said facility is undefined with regard to soils in and around the facility and groundwater underlying the site.

3. That said facility is being operated without a complete engineering plan, as required by ss NR 151.12(5), Wisconsin Administrative Code.

4. That engineering plans and specifications have been submitted by the order recipient on this disposal facility. These plans and specifications, however, were not complete and did not delineate in detail the hydrogeologic setting of this facility, and the engineering details to construct this facility as required under Chapter NR 151, Wisconsin Administrative Code.

5. That on July 31, 1975, a meeting was held at the offices of Theodore Harris Associates in Appleton, Wisconsin, who has been retained by Mr. Lehrer as an engineering consultant, and at that time Department of Natural Resources employees explained in detail to Mr. Lehrer and his consultant the requirements for a complete re-investigation and re-engineering of his landfill.

Conclusions of Law

1. The Department of Natural Resources is authorized by Section 144.31, Wisconsin Statutes, to promulgate rules implementing and consistent with ss 144.30 and 144.46, Wisconsin Statutes.

2. The Department of Natural Resources is authorized by Section 144.43, Wisconsin Statutes, to establish standards for the location, design, construction, sanitation, operation and maintenance of solid waste disposal sites and facilities.

3. Said standards are contained in Chapter NR 151, Solid Waste Management Rules, Wisconsin Administrative Code.

4. Section 144.44(1), Wisconsin Statutes, provides that after the Department has promulgated minimum standards for the location, design, construction, operation and maintenance of solid waste disposal sites and facilities, no person shall establish, maintain, conduct or operate a solid waste disposal site or facility which does not adhere to such minimum standards. Such sites or facilities shall be licensed annually by the Department providing they comply with said standards.

5. Section NR 151.05, Wisconsin Administrative Code, states that it shall be unlawful for any person to establish, maintain, conduct or operate a solid waste disposal operation without first obtaining an annual license from the Department and requires that application for licensing of a solid waste disposal operation be received by June 1 of each calendar year.

6. The Department of Natural Resources is authorized by Section 144.35 (1)(a), Wisconsin Statutes, to order necessary corrective action be taken whenever the Department has reason to believe that a violation of Sections 144.30 to 144.46, Wisconsin Statutes, or any rule pursuant thereto has occurred.

Order

THE DEPARTMENT, THEREFORE, ORDERS:

1. That the order recipient shall within 120 days of the date of this order, submit to the Department of Natural Resources a preliminary engineering plan and hydrogeologic feasibility study prepared by a registered professional engineer which shall detail the hydrogeology in the area of the site and document at a minimum in field conditions as they exist at the site. This shall include a series of soil borings, whose location, and number, must be approved by the Department prior to installation. The general format for presentation should be as indicated in ss NR 151.12(5), Wisconsin Administrative Code, and shall include at a minimum: a) an up-to-date topographic map, b) a groundwater contour map, c) a definition of a bedrock surface, d) a correlation of the available geotechnical and hydrogeologic reports in the area, e) an aerial photo, f) plot plan, g) a preliminary engineering design with regard to top and bottom grades planed at the facility, and cover material balances, and soil testing of clays, etc. This should be tied together in a form of a report and a series of maps.

2. That within 30 days of the date of receipt of an acceptable preliminary engineering plan and hydrogeologic feasibility study, the Department of Natural Resources will inform the order recipient in writing of the feasibility for continued operation in all or a portion of said facility.

3. That in the event the Department determines said facility, based on the submitted information and the preliminary feasibility study and engineering plan, to be suitable for continued use of the landfill; the order recipient shall by April 1, 1976 submit to the Department of Natural Resources a complete final engineering plan prepared by a registered professional engineer in accordance with ss NR 151.12(5), Wisconsin Administrative Code, at a minimum.

Or;

4. In lieu thereof, or in the event that the hydrogeologic investigation indicates that the area is not suitable for continued operation of a solid waste disposal facility, the order recipient shall by April 1, 1975; submit to the Department of Natural Resources an acceptable abandonment plan for the complete and total abandonment of said facility by October 1, 1976. The order recipient shall then terminate said operation and close and abandon said solid waste disposal facility in accordance with ss NR 151.12(10), Wisconsin Administrative Code; and the approved abandonment plan delineated above.

5. That no additional waste customers be allowed to dispose of waste at this facility until approved in writing by the Department. You, therefore, may not accept or contract for the disposal of additional waste unless first authorized by the Department.

Dated at Madison, Wisconsin, this 26th day of August, 1975.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By ______________________________
Andrew C. Damon, Acting Administrator
Division of Enforcement

cc: Lake Michigan District

00699